THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.1148 of 2006

DATED:24.03.2006

Between:

Koneru Kutumba Rao ..Petitioner

And

The Joint Collector, Visakhapatnam District. and others.

..Respondents

THE HON'BLE SRI JUSTICE V.V.S. RAO

WRIT PETITION No.1148 of 2006

ORDER:

The land admeasuring Acs.5.00 in survey No.175/3-P, Madhurawada Village, Visakhapatnam District, was assigned to
Sri Cherukuri Jawaharlal, who is an Ex-serviceman, on 19-05-1984. The assignee approached the Visakhapatnam Urban Development Authority (VUDA), the third respondent herein, seeking permission to develop a layout in respect of Acs.3.00 out of the total extent of Acs.5.00 of land. The said application was referred by VUDA to the District Collector for 'No Objection Certificate' (NOC), in accordance with the layout rules by letter bearing R.Dis.No.409/2002/E1, dated 26-09-2002. The then District Collector addressed the Vice Chairman, VUDA, informing that the Revenue Department has no objection for approval of layout in an extent of
Acs.3.00 of land in survey No.175/3 assigned to Sri Cherukuri Jawaharlal,
Ex-serviceman. The petitioner subsequently purchased an extent of
Ac.1.37 cents of land in the said survey number from Sri Cherukuri Jawaharlal under a registered Agreement of Sale-cum-General Power of Attorney, dated 28-03-2004, and made an application to the third respondent to approve his layout. VUDA again insisted upon production of NOC from the Revenue Department. Aggrieved by the same, the petitioner filed Writ Petition, being W.P.No.14703 of 2005. By order, dated 17-10-2005, this Court disposed of the writ petition giving liberty to the petitioner to approach the District Collector for grant of NOC. Thereafter, the petitioner made a representation on 24-10-2005 to the District Collector. By impugned endorsement in Rc.No.5088/2005-E1, dated 21-01-2006, the Joint Collector rejected the request for issue of NOC. The said endorsement is assailed in the present Writ Petition.

At the interlocutory stage itself, the Joint Collector, Visakhapatnam, has filed counter-affidavit. Various allegations and contentions raised by the petitioner in the writ affidavit are not denied. It is stated that the NOC was refused on the ground that khata number in the revenue records (Adangals) is not tallying. However, the counter does not dispute that the land admeasuring Acs.5.00 was assigned to Sri Cherukuri Jawaharlal and that the land was comprised in survey No.173/5 of Madhurawada Village.

There is no denial that when the original assignee approached VUDA for approval of layout, the same was referred to the Vice Chairman of VUDA by the District Collector. After verifying the records, the Revenue Department gave no objection for development of a layout. When the petitioner purchased a part of the land in the same survey numbers in respect of which NOC was given earlier, this Court does not find any reason for denying the NOC, now only on the ground that there is no such khata number. This is expressly unreasonable. For this reason alone, the Writ Petition has to be allowed. Accordingly, there shall be a direction to respondents 1 and 2 to issue NOC to the petitioner to enable him to obtain a layout from VUDA. This exercise may be completed within a period of four weeks from the date of receipt of a copy of this order.

The Writ Petition is accordingly allowed. No costs.

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(V.V.S.RAO,J)

24.03.2006

GJ